PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Christopher W. Blackburn et al.	Examiner: Victor Cheung
Serial No.: 10/813,653	Group Art Unit: 3714
Filed: March 29, 2004	Docket: 1842.017US1

For: EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

APPEAL BRIEF UNDER 37 CFR § 41.37

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Commissioner for Patents
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Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on December 12, 2008, from the Final Rejection of claims 1-5, 8-15 and 18-20 of the above-identified application, as set forth in the Final Office Action mailed on September 12, 2008.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of $540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, WMS GAMING INC. as evidenced by the assignment recorded on August 16, 2004 at Reel 015062 and Frames 0929-0937.

2. RELATED APPEALS AND INTERFERENCES

The following patent applications are related to the above-identified application, are currently appealed to the Board, and may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by the Board as of the filing of this Appeal Brief.

App. Serial #	Attorney Docket	Title
11/068,065	1842.018US2	GAMING NETWORK ENVIRONMENT HAVING A LANGUAGE TRANSLATION SERVICE
10/562,411	1842.019US1	GAMING NETWORK ENVIRONMENT PROVIDING A CASHLESS GAMING SERVICE
10/788,903	1842.020US1	A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,661	1842.021US1	GAMING MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/788,902	1842.022US1	GAME UPDATE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/789,957	1842.023US1	PROGRESSIVE SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,723	1842.024US1	DISCOVERY SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/794,422	1842.025US1	BOOT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/796,553	1842.026US1	AUTHENTICATION SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/796,562	1842.027US1	AUTHORIZATION SERVICE IN A SERVICE-ORIENTED GAMING NETWORK
10/802,700	1842.028US1	NAME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,701	1842.029US1	TIME SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT
10/802,699	1842.030US1	ACCOUNTING SERVICE IN A SERVICE ORIENTED GAMING NETWORK ENVIRONMENT
10/802,537	1842.031US1	MESSAGE DIRECTOR SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT

3. STATUS OF THE CLAIMS

The present application was filed on March 29, 2004 with claims 1-20. A first non-final Office Action mailed November 13, 2006 rejected claims 1-20. A first Final Office Action was mailed June 8, 2007 rejecting claims 1-20. Claims 6-7 and 16-17 were canceled in a response filed along with a Request for Continued Examination filed September 10, 2007. A second non-final Office Action was mailed November 7, 2007 rejection claims 1-5, 8-15 and 18-20. A second Final Office Action (hereinafter "the Final Office Action") was mailed September 12, 2008 rejecting claims 1-5, 8-15 and 18-20. Pending claims 1-5, 8-15 and 18-20 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action mailed September 12, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Some aspects of the present inventive subject matter include, but are not limited to, systems and methods that provide an event management service in a service-oriented gaming network environment. In general, the independent claims recite systems and methods that provide a three party handshake for providing an event management service on a wagering game network. The event management service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the event management service and in response publishes the service information, and a client such as a wagering game machine desiring to use the event management service obtains the service information from the discovery agent and uses the service information to contact and utilize the event management service.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .." Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

INDEPENDENT CLAIM 1

1. A method for providing an event management service in a gaming network including gaming machines, the method comprising:

sending service information for the event management service from the event management service to a discovery agent on the gaming network, wherein the event management service logs and provides persistent storage for event data received from a plurality of gaming machines on the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; *[see e.g., FIGs. 1-2, element 10; FIG. 3, elements 302, 304 and 306; FIG. 5A element 510; FIG. 5B, elements 501 and 503; FIG 6, element 602; page 5, line 14 to page 6, line 20; page 7, lines 12-18; page 11, line 21 to page 12, line 4; and page 17, line 23 to page 18, line 24]*

determining by the discovery agent if the event management service is authentic and authorized; *[see e.g., page 7, line 28 to page 8, line 3; page 15, lines 6-23]*

in response to determining that the event management service is authentic and authorized, publishing service information to a service repository to make the event management service available on the gaming network; *[see e.g., FIG. 3, elements 324 and 326; FIG. 5A, element 510; page 11, line 21 to page 12, line 4; page 15, lines 6-23; and page 18, lines 20-24]*

receiving by the discovery agent a discovery request for the location of the event management service from the gaming machine; *[see e.g., FIG. 3, elements 302, 306, 312, 326, and 332; FIG. 5A, element 512; page 11, line 21 to page 12, line 4; and page 18, lines 25-28]*

returning the service information for the event management service to the gaming machine; *[see e.g., FIG. 3, elements 302, 306, 312, 326, and 332; and page 11, line 21 to page 12, line 4]*

using the service information for the event management service to register the gaming machine with the event management service; *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 5A, element 514; page 16, lines 22-29; and page 19, lines 1-9]*

verifying that the gaming machine is authorized to utilize the event management service; and *[see e.g., FIG. 2, element 232; FIG. 6, elements 601, 602, 603 and 621-624; page 6, line 27 to page 7, line 3; and page 21, lines 3-8]*

processing one or more service requests between the gaming machine and event management service, said service requests conforming to an internetworking protocol, wherein event data from the gaming machine is stored with the event management service. *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; FIG. 5A element 516; FIG. 5B, elements 526-528; FIG. 6, elements 625 and 626; page 12, line 13 – page 13, line 26; page 16, lines 22-28; page 19, lines 10-19; page 20, lines 8-13; and page 21, lines 9-12]*

INDEPENDENT CLAIM 11

11. A gaming network system providing an event management service, the gaming network system comprising:

a plurality of gaming machines communicably coupled to the gaming network system, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; and *[see e.g., FIGs. 1-2, element 10; FIG. 5B, element 501; and page 5, line 14 to page 6, line 20]*

an event management service communicably coupled to the gaming network system and operable to log and provide persistent storage for event data received from the plurality of gaming machines on the gaming network; *[see e.g., FIG. 3, element 304; page 11, lines 15-23] [see e.g., FIG. 3, element 304; FIG. 5B, element 503; FIG 6, element 602; and page 17, line 23 to page 18, line 2]*

a discovery agent communicably coupled to the gaming network, wherein the discover agent is operable to: *[see e.g., FIG. 3, element 306; and page 11, line 21 to page 12, line 4]*

receive service information from the event management service, *[see e.g., FIG. 3, elements 304, 322 and 330; page 11, line 21 to page 12, line 4]*

determine if the event management service is authentic and authorized for the gaming network, and *[see e.g., page 7, line 28 to page 8, line 3; page 15, lines 6-23]*

publish the service information to a service repository to make the event management service available on the gaming network; *[see e.g., FIG. 3, elements 324 and 326; FIG. 5A, element 510; page 11, line 21 to page 12, line 4; page 15, lines 6-23; and page 18, lines 20-24]*

wherein at least one gaming machine of the plurality of gaming machines communicably coupled to the gaming network is operable to issue a request for the location of the event management service to the discovery agent and use the service information received from the discovery agent to issue a registration request to the event management service; and *[see e.g., FIG. 3, elements 302, 304, 306, 312, 326, 332, and 334; FIG. 5A, element 514; page 11, line 21 to page 12, line 4; page 16, lines 22-29; and page 19, lines 1-9]*

wherein the event management service is further operable to

receive the registration request from the at least one gaming machine; *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 5A, element 514; page 16, lines 22-29; and page 19, lines 1-9]*

verify that the at least one gaming machine is authorized to utilize the event management service, and *[see e.g., FIG. 2, element 232; FIG. 6, elements 601, 602, 603 and 621-624; page 6, line 27 to page 7, line 3; and page 21, lines 3-8]*

process one or more service requests between the at least one gaming machine and the event management service, said service requests conforming to an internetworking protocol. *[see e.g., FIG. 3, elements 302, 304 and 334; FIG. 4, element 400; FIG. 5A element 516; FIG. 5B, elements 526-528; FIG. 6, elements 625 and 626; page 12, line 13 – page 13, line 26; page 16, lines 22-28; page 19, lines 10-19; page 20, lines 8-13; and page 21, lines 9-12]*

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellants refer to each of the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5 and 11-15 were provisionally rejected under a non-statutory double patenting rejection as being unpatentable over claims 1-2, 26-27, 29, 30-33 and 35, respectively, of copending Application No. 10/788,903.

Claims 1-5, 8-9 and 11-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto et al. (U.S. Patent 6,916,247, hereinafter "Gatto") in view of Hendrickson (U.S. Publication No. 2004/0087367, hereinafter "Hendrickson"), Atwal et al. (U.S. Publication No. 2003/0061404, hereinafter "Atwal"), and Gottschalk (IBM Systems Journal, Vol. 42, No. 2, hereinafter "Gottschalk").

Claims 10 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Hendrickson, Atwal, and Gottschalk as applied to claims 1 and 11 above, and further in view of Atkinson et al. (U.S. Publication No. 2004/0142744, hereinafter "Atkinson").

7. ARGUMENT

A) Discussion of the provisional double patenting rejection of claim 1-36

Claims 1-5 and 11-15 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 26-27, 29, 30-33 and 35 of copending Application No. 10/788,903. Appellant does not admit that the claims are obvious in view of copending Application No. 10/788,903. Because the present application and copending Application No. 10/788,903 are still undergoing prosecution, and because the rejection is a provisional rejection, Appellant submits that the double patenting issues are not yet ripe for appeal. However, Appellant will consider filing a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) when all other issues related to the patentability of the claims have been resolved.

B) The Applicable Law under 35 U.S.C. § 103

The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge

generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

The Federal Circuit has stated:

> Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).
>
> *In re Fine*, 837 F.2d 1071; 5 USPQ2d 1596 (Fed. Cir.1988).

The test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir.1985). The Examiner must, as one of the inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir.1990). The fact that a reference teaches away from a claimed invention is highly probative that the reference would not have rendered the claimed invention obvious to one of ordinary skill in the art. *Stranco Inc. v. Atlantes Chemical Systems, Inc.*, 15 USPQ2d 1704, 1713 (Tex. 1990). When the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007).

Further, conclusions of obviousness must be based on facts, not generality. *In re Warner*, 379 F.2d 1011, 1017 (C.C.P.A. 1967); *In re Freed*, 425 F.2d 785, 787 (C.C.P.A. 1970). In fact, there must be a rational underpinning grounded in evidence to support the legal conclusion of obviousness. The Federal Circuit has stated that, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with

some rational underpinning to support the legal conclusion of obviousness." *In re Kahn,* 441 F. 3d 977, 988 (Fed. Cir. 2006), citing *In re Lee*, 61 USPQ2d 1430 (Fed. Cir.2002); 72 FR 57527-28 (Oct. 10, 2007).

Moreover, "mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole." *In re Kahn,* 441 F. 3d 977, 988 (Fed. Cir. 2006). This was recently echoed by the U.S. Supreme Court in *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.).

Additionally, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985); MPEP § 2141.02. (emphasis added). The Examiner must also recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 U.S.P.Q.2d (BNA) 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990).

C) The Application of 35 U.S.C. § 103(a) to the Rejected Claims

1) The Rejection of Claims 1-5, 8-9 and 11-19 under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Hendrickson, Atwal and Gottschalk.

Claims 1-5, 8-9 and 11-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Hendrickson, Atwal, and Gottschalk.

Appellant respectfully traverses the rejection. In view of the differences between Appellant's claims at issue and the cited references, Appellant respectfully submits the claims

are not obvious in view of Gatto, Hendrickson, Atwal and Gottschalk. In general, the independent claims recite systems and methods that provide a three party handshake for providing event management service on a wagering game network. The event management service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the event management service and in response publishes the service information. A client such as a wagering game machine desiring to use the event management service obtains the service information from the discovery agent and uses the service information to contact the event management service. Appellant respectfully submits that when the claims are considered as a whole, the cited references do not teach or suggest the present invention as claimed in the independent claims.

For example, at least one difference between cited references and the claims at issue may be found in independent claim 1, which recites in part "determining by the discovery agent if the event management service is authentic and authorized." Independent claim 11 recites similar language regarding a discovery agent that determines if an event management service is authentic and authorized. The Final Office Action correctly states that Gatto does not disclose the recited language. However, the Final Office Action goes on to assert that Atwal discloses that a client is verified to be authorized to utilize the service (citing paragraph [0052]) and further that clients subject to authorization include server service providers (citing paragraph [0043]). Appellant respectfully disagrees with this interpretation of Atwal for several reason. First, claims 1 and 11 recite that a discovery service provides authentication and authorization. Neither the cited section of Atwal nor Atwal in general discloses that a discovery service authenticates and authorizes a service. Second, Atwal discloses that a method call is authenticated as coming from a particular client. Atwal does not disclose that the client itself is authenticated before it is allowed to be on the wagering game network. Further, Atwal does not disclose that a service is authorized before it allowed to be on a wagering game network. All of the activity in Atwal presumes that the client is already available on a network. As a result, Atwal does not disclose determining by a discovery agent if the event management service is authentic and authorized.

The Final Office Action further states that Gottschalk, at page 175 "discloses that private UDDI registries may exist, where the registry is controlled to only permit allowed users may

publish onto the registry." Gottschalk does not disclose any mechanism by which such control of the registry is maintained. Further, controlling what entries are placed in a registry does not imply authentication and authorization by a discovery service. Gottschalk is silent as to the authorization mechanism. Thus Gottschalk does not disclose determining by a discovery agent if the event management service is authentic and authorized.

Further, Appellant has reviewed Hendrickson and can find no disclosure of determining by a discovery agent if the event management service is authentic and authorized.

In the "Response to Arguments" section, the Final Office Action states:

> Gatto discloses authentication and authorization methods that may be used for any specialized device (Col. 2, lines 59-61; Col. 10, lines 55-62). Gottschalk discloses a situation where a registry must be controlled to only permit allowed user to publish onto the registry (page 175, Service publication and service discovery standards for Web services). Atwal et al. disclose a "gateway module" performing the duties of authenticating and authorizing services, and acting as a communication gateway between clients and services (paragraphs 49-52). Examiner maintains that the claim is taught by at least a combination of the references which present both an authenticating/authorizing system and a situation needing the use of it.

Appellant respectfully disagrees. The portions of Gatto cited in the Final Office Action disclose the following. First, column 2, lines 59-61 states "[t]he gaming system may further include a Certificate Authority and communications from the plurality of specialized devices to the central server may be authenticated by the Certificate Authority." Appellant notes that the cited portion is referring to authentication of communications between devices and a server. Notably absent from the cited portion is any mention of authorization of any kind. Further, the cited portion states that communications are authenticated, not services. In order to authenticate communications, the service has to be resident on the network. Appellant's claimed subject matter has the advantage that it determines whether or not a service is authorized and authentic before the service's details are ever published and made available on the network. In other words, the claims recite authentication and authorization of the service itself, not communications. Thus column 2, lines 59-61 of Gatto fails to teach or suggest determining by the discovery agent if the time service is authentic and authorized.

Second, Gatto, at column 10, lines 55-62 discloses "[t]he authentication engine 834 may include functionality to consult a Certificate Authority (which may be located on a server on the

network 102 or on a computer network connected thereto), certify the authenticity of the identification presented, authorize a given operation, ensure data integrity of data exchanged, securely time-stamp the operation (to ensure non-repudiation of the operation) and/or revoke illegal identifications, for example." The cited section indicates that an authentication engine may be used to authenticate identities (presumably of player identification means) or to authorize operations. Again, there is no disclosure of authentication of a service, and further there is no disclosure of authorization of a service. The items cited above all occur after a service has been instantiated. Thus column 10, lines 55-62 of Gatto fails to teach or suggest determining by the discovery agent if the time service is authentic and authorized.

Further, the "gateway module" in Atwal does not teach or suggest a discovery agent that authenticates and authorizes a service. Atwal's gateway module acts as a central access point and authenticates and authorizes access to web services. However, Atwal fails to teach or suggest that a service is authenticated or authorized and published in response to such authentication and authorization. Rather, an application already exists on the network, the gateway module merely determines whether the application can access a particular service.

The Final Office Action states "in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., authorization through a username/password entered by a user that places data into the registry) are not recited in the rejected claim(s)." Appellant wishes to clarify that the Appellant was not relying on these features in the claims. Rather Appellant was attempting to point out that Gottschalk did not disclose an authorization mechanism, and that Appellant's claimed authentication and authorization using a discovery agent was not inherent to Gottschalk because alternative mechanisms exist (e.g., username/password) for authorization.

Even if the combination of Gatto, Hendrickson, Atwal and Gottschalk disclosed the elements of Appellant's claims (which is not admitted), "[a] factfinder should be aware. . . of the distortion caused by hindsight bias and must be cautious of argument reliant upon *ex post* reasoning." *KSR Int'l Co.*at 1397. *See also Graham* at 474. The Examiner cannot use the Appellant's structure as a "template" and simply select elements from the references to reconstruct the claimed invention. *In re Gorman,* 933 F.2d 982, 987, 18 U.S.P.Q.2d (BNA) 1885, 1888 (Fed. Cir. 1991).

The Final Office Action uses four references in the rejection of claims 1-5, 8-9 and 11-19. This is highly suggestive that the Examiner is using Appellant's structure as a template and selecting individual elements from each reference in a hindsight reconstruction of Appellant's claimed invention. Further, the use of individual elements from four references suggests that the Examiner is merely considering whether the differences are obvious, not the invention as a whole.

For all of the reasons above, none of Gatto, Hendrickson, Atwal or Gottschalk, alone or in combination, discloses determining by a discovery agent if the event management service is authentic and authorized. Therefore there are differences between claims 1 and 11 and the cited references. As a result, claims 1 and 11 are not obvious in view of the combination of Gatto, Hendrickson, Atwal and Gottschalk. Appellant respectfully requests reversal of the rejection of claims 1 and 11.

Claims 2-5 and 8-9 depend from claim 1 and claims 12-15 and 18-19 depend from claim 11. These dependent claims inherit the elements of their respective base claims 1 and 11 and are not obvious in view of the combination of Gatto, Hendrickson, Atwal and Gottschalk for at least the reasons discussed above regarding their respective base claims. Appellant respectfully requests reversal of the rejection of claims 2-5, 8-9, 12-15 and 18-19.

2) The Rejection of Claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gatto in view of Hendrickson, Atwal, Gottschalk and Atkinson.

Claims 10 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto et al. (U.S. Patent 6,916,247) in view of Hendrickson (U.S. Publication No. 2004/0087367), Atwal et al. (U.S. Publication No. 2003/0061404), and Gottschalk (IBM Systems Journal, Vol. 42, No. 2) as applied to claims 1 and 11 above, and further in view of Atkinson et al. (U.S. Publication No. 2004/0142744).

Claim 10 depends from claim 1 and claim 20 depends from claim 11. These dependent claims therefore inherit all of the elements of their respective base claims, including elements directed to verifying by the discovery agent that the event management service is authentic and authorized for the gaming network. As discussed above, none of Gatto, Hendrickson, Atwal or

Gottschalk disclose these elements. Additionally, Appellant has reviewed Atkinson and can find no disclosure of verifying by the discovery agent that the event management service is authentic and authorized for the gaming network. As a result, the combination of Gatto, Hendrickson, Atwal, Gottschalk and Atkinson fails to disclose each and every element of Appellant's claims 10 and 20, including inherited elements. Thus there are differences between claims 10 and 20 and the cited references. Therefore claims 10 and 20 are not obvious in view of Gatto, Hendrickson, Atwal, Gottschalk and Atkinson. Appellant respectfully requests reversal of the rejection of claims 10 and 20.

Additionally, the Final Office Action uses five references in the rejection of claims 10 and 20. This is highly suggestive that the Examiner is using Appellant's structure as a template and selecting individual elements from each reference in a hindsight reconstruction of Appellant's claimed invention. Further, the use of individual elements from five references suggests that the Examiner is merely considering whether the differences are obvious, not the invention as a whole.

SUMMARY

For the reasons argued above, claims 1-5, 8-15 and 18-20 were not properly rejected under 35 U.S.C § 103(a) as being obvious over Gatto in view of Hendrickson, Atwal, Gottschalk and Atkinson

It is respectfully submitted that the claims are not obvious in view of the cited art and that the claims are patentable over the cited art. Reversal of the rejections and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Date July 13, 2009

By
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of July 2009.

Zhakalazky M. Carrion
Name

Signature

8. CLAIMS APPENDIX

1. A method for providing an event management service in a gaming network including gaming machines, the method comprising:

sending service information for the event management service from the event management service to a discovery agent on the gaming network, wherein the event management service logs and provides persistent storage for event data received from a plurality of gaming machines on the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the event management service is authentic and authorized;

in response to determining that the event management service is authentic and authorized, publishing service information to a service repository to make the event management service available on the gaming network;

receiving by the discovery agent a discovery request for the location of the event management service from the gaming machine;

returning the service information for the event management service to the gaming machine;

using the service information for the event management service to register the gaming machine with the event management service;

verifying that the gaming machine is authorized to utilize the event management service; and

processing one or more service requests between the gaming machine and event management service, said service requests conforming to an internetworking protocol, wherein event data from the gaming machine is stored with the event management service.

2. The method of claim 1, wherein the event management service comprises a web service.

3. The method of claim 2, wherein the service request is formatted according to a service description language.

4. The method of claim 3, wherein the service description language is a Web Services Description Language (WSDL).

5. The method of claim 2, wherein the event management service is registered in a UDDI registry.

8. The method of claim 1, wherein the service request comprises a request by the gaming machine to report an event to the event management service.

9. The method of claim 8 and further comprising storing the event in a persistent storage.

10. The method of claim 1, wherein the service request comprises a request by the gaming machine to query the event management service for an event.

11. A gaming network system providing an event management service, the gaming network system comprising:

a plurality of gaming machines communicably coupled to the gaming network system, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; and

an event management service communicably coupled to the gaming network system and operable to log and provide persistent storage for event data received from the plurality of gaming machines on the gaming network;

a discovery agent communicably coupled to the gaming network, wherein the discover agent is operable to:

receive service information from the event management service,

determine if the event management service is authentic and authorized for the gaming network, and

publish the service information to a service repository to make the event management service available on the gaming network;

wherein at least one gaming machine of the plurality of gaming machines communicably coupled to the gaming network is operable to issue a request for the location of the event management service to the discovery agent and use the service information received from the discovery agent to issue a registration request to the event management service; and

wherein the event management service is further operable to

receive the registration request from the at least one gaming machine;

verify that the at least one gaming machine is authorized to utilize the event management service, and

process one or more service requests between the at least one gaming machine and the event management service, said service requests conforming to an internetworking protocol.

12. The gaming network system of claim 11, wherein the event management service comprises a web service.

13. The gaming network system of claim 12, wherein the service request is formatted according to a service description language.

14. The gaming network system of claim 13, wherein the service description language is a Web Services Description Language (WSDL).

15. The gaming network system of claim 11, wherein the event management service is registered in a UDDI registry.

18. The gaming network system of claim 11, wherein the service request comprises a request by the at least one gaming machine to report an event to the event management service.

19. The gaming network system of claim 18 and further comprising storing the event in a persistent storage.

20. The gaming network system of claim 11, wherein the service request comprises a request by the at least one gaming machine to query the event management service for an event.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.